

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 4180 (Application 11812)
Richard J. Barsuglia

ORDER REVOKING LICENSE

SOURCE: China Creek

COUNTY: El Dorado

WHEREAS:

1. The Licensee requested on January 25, 2008 that the License be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.

Therefore, it is ordered that License 4180 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kassel
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **APR 10 2008**

bcc: Field Files

ORDER

APPLICATION 11812PERMIT 6851LICENSE 4180

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS license was issued to Aina Hilja Case and H. H. Case and was filed with the County Recorder of El Dorado County on February 24, 1956, and

WHEREAS licensees have established to the satisfaction of the State Water Rights Board that the change in point of diversion under Application 11812, Permit 6851, License 4180, for which petition was submitted on August 29, 1960, will not operate to the injury of any other legal user of water and the Board so finds;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 11812, Permit 6851, License 4180, to point of diversion described as follows, to wit:

SOUTH 50 FEET AND EAST 990 FEET FROM THE CENTER OF SECTION 13,
T10N, R11E, MDB&M, BEING WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 13.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 16th day of February, 1961



L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11812

PERMIT 6851

LICENSE 4180

THIS IS TO CERTIFY, That

Aina Hilja Case and H. H. Case
c/o El Dorado County Hospital
57 Mill Street
Placerville, California

Notice of Assignment (Over)

made proof as of June 9, 1954,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Chunk (China) Creek in El Dorado County

tributary to Webber Creek thence South Fork American River

for the purpose of domestic and fire protection uses

under Permit 6851 of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from April 4, 1947; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed seven hundred fifty (750) gallons per day for domestic purposes or fourteen thousand three hundred (14,300) gallons per day total for domestic and fire protection purposes to be diverted from January 1 to December 31 of each year provided, however, that nothing herein contained shall be construed as confirming in licensee any right, which shall be good as against a subsequent appropriator, to an amount for fire protection purposes in excess of what is reasonably necessary to maintain an adequate reserve in storage for fire protection except when there exists an actual need thereof for fire fighting use.

Rig The point of diversion of such water is located south thirty (30) feet and east seven hundred
68 sixty (760) feet from center of Section 13, T 10 N, R 11 E, MDB&M, being within
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 13

ope

gre

Lice

A description of the lands or the place where such water is put to beneficial use is as follows:

of C

within E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T 10 N, R 11 E, MDB&M

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights, granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 21st, 1956
day of February

~~Harvey G. Banks~~
A. J. Edmonston, State Engineer

By *L. G. Jopson*
~~Harvey G. Banks~~ L. G. Jopson
Assistant State Engineer



11-20-59 RECEIVED NOTICE OF ASSIGNMENT TO *Eric H. & Evelyn L. Manner & Nicholas J. & Audrey M. Calandri*

10-14-60 - Name of Audrey M. Calandri dropped

2-25-63 RECEIVED NOTICE OF ASSIGNMENT TO *of Int. of H. H. & Alina H. Case to Walter & Jeanetta G. Powell*

8-3-66 RECEIVED NOTICE OF ASSIGNMENT TO *of interest of Walter Powell and Jeanetta G. Powell to Judd N. Harrison, Sr.*

12-23-69 RECEIVED NOTICE OF ASSIGNMENT TO *of interest of Nicholas J. Calandri to Alfred G. & Margaret A. Starr*

LICENSE 4100
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Alina Hilja Case and H. H. Case

DATED FEB 21 1956

83507 8-55 34 849